

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:10CR179
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
JORGE SALCEDO-LOVERA,)	
)	
Defendant.)	

The Court has received the Revised Modified Presentence Investigation Report (“PSR”) and the Defendant’s objections thereto (Filing No. 35). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to ¶¶ 14 and 29,¹ arguing that the prior conviction described in ¶ 29 is not an aggravated felony and, therefore, the 16-level enhancement in ¶ 14 does not apply. The objection will be heard at sentencing. The government has the burden of proof by a preponderance of the evidence.

IT IS ORDERED:

1. The Defendant's objections to ¶¶ 14 and 29 of the PSR will be heard at sentencing.
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

¹The Court assumes that the objection to ¶ 29 only relates to the consideration of the offense in ¶ 29 as an aggravated felony for purposes of ¶ 14 and does not relate to the fact of the prior conviction.

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 9th day of December, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge